



#7  
PATENT  
P56138PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

MYOUNG-JIN KIM

Serial No.: 09/582,843

Examiner: AHMED, SAMIR ANWAR

Filed: 5 July 2000

Art Unit: 2623

For: METHOD FOR INSPECTING INFERIORITY IN SHAPE

**PETITION UNDER 37 C.F.R. §1.181**

**RECEIVED**

AUG 05 2003

Technology Center 2600

**Mail Stop Petition**

Commissioner for Patents

P.O.Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the Examiner's failure to properly cite and, to provide Applicant with, a prior art reference cited and applied by the Examiner in the Office action, and as reasons therefore, states that:

FOLIO: P56138PCT

DATE: 8/1/03

I.D.: REB/kf

**STATEMENT OF FACTS**

1. On 18 June 2003, a first Office action (Paper No. 5) was issued to the above-captioned PCT U.S. national stage application. In paragraph 5 of the Office action (Paper No. 5), the Examiner rejected claim 4 under 35 U.S.C. § 103 for alleged unpatentability over Longest Jr. *et al.*, U.S. Patent No. 5,305,392 which was cited by Applicant's information disclosure statement (PTO-1449) in view of Shishido *et al.*, U.S. Patent No. 6,087,673.
2. The Shishido *et al.* '637 reference however, was neither cited in Applicant's Information Disclosure Statement nor a Notice of References Cited (PTO-892). Actually, the Examiner failed to provide both a PTO-892 and a copy of the Shishido *et al.* '637 reference.
3. On 26 June 2003, Applicant's representative telephoned the Examiner and requested a PTO-892 and a copy of the Shishido *et al.* '637 reference. The Examiner agreed to immediately provide both by mail.
4. On 7 July 2003, Applicant's undersigned attorney received a Communication from the Examiner (Paper No. 6) mailed on 1 July 2003, which *states* a "Correct Reference Citation" and a "Correct Reference" of the Shishido *et al.* '637 reference are "provided." However, *none of the aforesaid papers were enclosed* with Paper No. 6.
5. On 7 July 2003, Applicant's representative immediately telephoned the Examiner and requested the PTO-892 and a copy of the Shishido *et al.* '637 reference.

6. To date, Applicant has received no correspondence from the Examiner.

**REMARKS**


Apparently, the Examiner lacks seriousness as to his role in prosecution of a patent application. Applicant entered into the national stage based upon a PCT application on 5 July 2000, paid the national stage filing fee in the total amount of \$1,010.00, submitted a Declaration duly signed and dated by the inventor, and an Assignment duly signed and dated by the appropriate representative of the assignee. Applicant deserves better treatment from the Examiner of the U.S. Patent & Trademark Office.

**RELIEF REQUESTED**

In view of the above, Applicant respectfully requests the Commissioner to direct the Examiner to:

- A. Prepare and issue a Supplemental Office action and provide a PTO-892 and a copy of the cited references in the PTO-892;
- B. Provide Applicant with an explanation, in writing, as to why the Examiner repeatedly ignored the Applicant's request to provide a PTO-892 and a copy of the Shishido *et al.* '637 reference;
- C. Re-start the period for response to expire not less than three (3) months from the date on which a Supplemental Office Action is provided to Applicant by the Examiner.
- D. Grant such other and further relief as justice may require.

Respectfully submitted,

  
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